

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION**

JIMMY EDWARDS,  
ROBERT HUNT,  
DOLORES HUNT,  
CLIFFORD MCKELLAR, JR.,  
EMMA MCKELLAR, on behalf of  
themselves  
and all others similarly situated,

Plaintiffs,

v.

CSX Transportation, Inc.,

Defendant.

Case No. 7:18-cv-169-BO

*Consolidated with Cases No. 7:18-  
cv-177-BO and  
No. 7:18-cv-178-BO*

ANTOINETTE MOORE, individually and  
on  
behalf of all others similarly situated,

Plaintiffs,

v.

CSX Transportation, Inc.,

Defendant.

Case No. 7:18-cv-177-BO

WEST LUMBERTON BAPTIST CHURCH,  
CURRIE CHAIN SAW, INC.,  
C.J.M. VENTURES, INC.,  
WILLIAM LOCKLEAR d/b/a  
STRICKLAND'S BARBERSHOP,  
TBL ENVIRONMENTAL LABORATORY,

Case No. 7:18-cv-178-BO

INC.,  
SAMMY'S AUTO SALES, INC.,  
LINDA SAMPSON, and  
ERIC CHAVIS,

individually and on behalf all others  
similarly  
situated,

Plaintiffs,

v.

CSX TRANSPORTATION, INC.,

Defendant.

**CSX TRANSPORTATION, INC.'S OPPOSITION  
TO PLAINTIFFS' MOTION FOR REGULAR STATUS CONFERENCES**

CSX Transportation, Inc. (“CSXT”) files this Opposition to Plaintiffs’ Motion for Entry of Order Scheduling Regular Status Conferences (“Motion”), ECF No. 75.

CSXT defers to the Court’s preferences in managing this litigation, and will, of course, appear at any scheduled status conference. CSXT respectfully submits, however, that plaintiffs’ proposal of perpetual status conferences every three weeks would not serve the interests of judicial economy and may hinder the parties’ ability to resolve disputes without Court involvement.

This case is not of the complexity or magnitude warranting constant attention from, and burden on, this Court. It involves just a single breach of contract claim asserted by a handful of plaintiffs claiming to be third-party beneficiaries to a single public works contract. The parties have so far worked together to establish a case schedule and discovery procedures without need for Court involvement. To continuously reserve space on the Court’s calendar in the absence of even the prospect of live controversy is unlikely to serve the interests of judicial economy. *See McHenry Software, Inc. v. ARAS 360 Techs., Inc.*, No. 12-CV-277, 2013 WL 12290250, at \*3 (E.D.N.C. Dec. 20, 2013) (“[E]fforts to involve the Court” to resolve minor disputes “are not to be rewarded nor encouraged.”); *Attic Tent, Inc. v. Copeland*, No. 06CV66-W, 2007 WL 9778155, at \*1 (W.D.N.C. June 25, 2007) (same).

Furthermore, the prospect of upcoming meetings with the Court could have the undesirable effect of discouraging the parties from compromising or otherwise making efforts to resolve minor disagreements in the time between conferences – as they have in fact been doing. *See Am. Humanist Ass’n v. Perry*, No. 15-CT-3053, 2017 WL 11534764, at \*4 (E.D.N.C. Mar. 17, 2017) (“[T]he resolution of discovery disputes without court involvement should be the rule, not the exception.”). Should any irresolvable dispute arise, the parties are free to begin motion practice in the manner prescribed by L.R. 7.1, as with the vast majority of actions in this District.

*Nix v. The Chemours Company FC, LLC et al.*, 7:17-cv-00189-D (E.D.N.C.), cited by plaintiffs, is one of several interrelated complex property damage and personal injury class actions, mass actions, and single plaintiff cases filed by various public and private entities alleging air and water contamination by a chemical manufacturing plant, and frequent status conferences are required to maintain coordination among the many matters. Here, there is one matter, thus nothing to coordinate.

### CONCLUSION

CSXT respectfully requests that the Court deny plaintiffs' Motion.

March 17, 2021

Respectfully submitted,

/s/ April N. Ross

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